

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROBERT O. AND ALICE J.
WALLRATH
Plaintiff,

v.

PROPERTY & CASUALTY INSURANCE
COMPANY OF HARTFORD
Defendant.

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CIVIL ACTION NO. 4:19-cv-2453

NOTICE OF REMOVAL

Defendant Property & Casualty Insurance Company of Hartford (“Hartford”), pursuant to 28 U.S.C. §§ 1441 and 1446, files this Notice of Removal of the captioned action, Cause No. 2019-40359; *Robert O. and Alice J. Wallrath v. Property & Casualty Insurance Company of Hartford*; In the 270th Judicial District Court, Harris County, Texas. In support of this Notice of Removal, Hartford respectfully submits the following:

1. Robert O. and Alice J. Wallrath (“Plaintiffs”) filed their Original Petition on June 12, 2019, in the 270th Judicial District Court of Harris County, Texas. Hartford was served on June 17, 2019.
2. Hartford has requested certified copies of all process, pleadings, and orders from the 270th Judicial District Court of Harris County. The certified copies of the state court’s file are being filed with this Notice of Removal.
3. The Petition alleges that Plaintiff is an individual residing in Texas.¹ The Petition alleges that Hartford is “a foreign insurance company registered with the Texas Department of Insurance engaging in the business of insurance in the State of Texas”² In fact, Hartford is a Connecticut corporation with its principal place of business in Hartford, Connecticut.

¹ Petition, ¶ 1.

² Petition at ¶ 2.

4. Plaintiff seeks monetary relief over \$250,000, but not more than \$500,000.³
5. Hartford does not admit the underlying facts as alleged by Plaintiff in his Original Petition or as summarized above. Hartford expressly denies that it has any liability to Plaintiff.
6. This Notice of Removal is filed within 30 days of service of the Original Petition and is therefore timely under 28 U.S.C. § 1446(b).

DIVERSITY JURISDICTION

7. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332 (a), and this matter is removable to this Court pursuant to 28 U.S.C. § 1441(a), because there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000 exclusive of interest and costs. Plaintiff is a resident of Montgomery County, Texas. Hartford is incorporated in Connecticut with its principal place of business in Connecticut.
8. The amount in controversy exceeds the jurisdictional minimum of \$75,000 set by 28 U.S.C. § 1332(a). In the Original Petition, Plaintiff alleges he seeks monetary relief “over \$100,000, but not more than \$200,000.”⁴

REMOVAL PROCEDURE

9. The clerk of the 270th Judicial District Court of Harris County, Texas has been provided notice of this Removal.
10. The following exhibits are attached to this notice and incorporated here by reference:
 - a. Index of matters being filed;
 - b. List of all parties and counsel of record; and
 - c. Certified copies of all pleadings, process and orders received from the 270th Judicial District Court, Harris County, Texas.

³ Petition at ¶ 4.

⁴ Petition at ¶ 4.

CONCLUSION

12. Based on the foregoing, the exhibits submitted in support of this removal, and other documents filed contemporaneously with this Notice of Removal, Hartford hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Martin R. Sadler

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CERTIFICATE OF SERVICE

I hereby certify that on this the 8th day of July, 2019, a copy of the foregoing has been served upon all counsel of record in this action by ECF Filing and/or facsimile, properly addressed to:

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Galveston, Texas 77550

/s/ Martin R. Sadler

Martin R. Sadler